IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1787 OF 2005

Harishankar Singh .. Petr

versus

The Secretary Jan Seva Samiti & ors .. Respts

...

Mr.Mihir Desai for Petr

Mr L.H.Patil for Respt nos. 1 and 2

Ms K.S.Bharucha for Respt nos. 3 to 5.

CORAM : D.G. KARNIK, J

DATED : 11th July 2005.

P.C.

1. Heard learned counsel for the petitioner. By this petition the petitioner challenges the judgment and order dated 6th April, 2005 passed by the learned Presiding Officer, Mumbai University and College Tribunal, Mumbai. The petitioner had filed an appeal under section 59 of the Maharashtra

Universities Act challenging his alleged oral termination with effect from 30th April, 2004 and had prayed for reinstatement in service as a full time lecturer with back wages and continuity in service. Contention of the respondent nos. 1 and 2 was that the petitioner was not appointed as a regular lecturer and his appointment was not permanent. The petitioner does not possess the necessary qualifications for the appointment of lectuter namely passing of Net/Set. However, since there was no other candidate with the necessary qualifications available at that time the petitioner was appointed purely in a temporary capacity and that too on a clock hour basis. The College Tribunal has relied upon the order of the University granting approval for the appointment which states that the petitioner's appointment was approved as a lecturer on clock hour basis for 1 year only. Fresh appointments were made for a period of one year only at a time on 3 more occasions as a person with the necessary qualifications was not available for the next year also. The petitioner's appointment came to an end at the end of 30th March 2004 when the academic year came to an end has been accepted by the

tribunal and I see no reason to take a different view.

3. Learned counsel for the petitioner submits that the petitioner has not been paid proper remuneration/salary and therefore he had made a complaint to the Grievance Committee. The Grievance Committee wrongly rejected the complaint on the ground that the petitioner's appeal before the College Tribunal was pending. The College Tribunal had no jurisdiction to go into the question of salary/pay and therefore the Grievance Committee ought to have decided the said grievance. The order of the Grievance Committee is not specifically challenged in the petition. In the circumstances, this grievance cannot be gone into and the petitioner is at liberty to take appropriate steps available to him in law regarding the said decision of the Grievance Committee.

4. There is no merit in the petition regarding the alleged illegal termination. Hence, petition rejected.

D.G.KARNIK, J